

**OGILVY
RENAULT**

LLP / S.E.N.C.R.L. s.r.l.

Facsimile

Our Ref. 9-13528-94US MMR/sw

**RECEIVED
CENTRAL FAX CENTER****NOV 04 2005****Confidentiality Message**

This communication sent by facsimile is confidential, may be privileged and is intended for the exclusive use of the addressee. Any other person is strictly prohibited from disclosing, distributing or reproducing it. If the addressee cannot be reached or is unknown to you, please inform us immediately by telephone (613) 780-8661 at our expense and delete this message and all copies. Thank you.

Number of pages including cover letter: **12**
Date: **November 4, 2005**
From: **Matthew M. Roy**
Telephone: **(613) 780-8659**
E-mail: **matroy@ogilvyrenault.com**

To:	Company:	City:	Fax:
ART UNIT 2131 Examiner: Syed Zia	United States Patent Office - Facsimile Centre	Alexandria, VA	571-273-8300

DUE DATE: NOVEMBER 7, 2005

RE: United States Patent Application No. 09/527,584
Title: **DYNAMIC ALLOCATION OF SHARED NETWORK
RESOURCES BETWEEN CONNECTION-ORIENTED
AND CONNECTIONLESS TRAFFIC**
Inventor: **ASHWOOD SMITH, Peter J.**
Assignee: **Nortel Networks Limited**
Our Ref.: **9-13528-94US**

Applicant submits a Response to Non-Compliant Amendment for consideration in connection with the Request for Continued Examination (RCE) and Petition for Extension of Time filed earlier today.

1. Transmittal Form (1 pg.)
2. Response to Non-Compliant Amendment under 37 CFR 1.121 (10 pgs.)

Shirley Wise
Assistant to Matthew M. Roy
Ogilvy Renault LLP
Tel. (613) 780-8680
Fax (613) 230-6706
swise@ogilvyrenault.com

BEST AVAILABLE COPY

Barristers and Solicitors
Patent and Trade-Mark Agents

45 O'Connor Street
Suite 1600
Ottawa, Ontario
Canada K1P 1A4

Telephone (613) 780-8661
Fax (613) 230-6706
ogilvyrenault.com

Continuing the practices of
Melchior Demers
Ogilvy Renault
Swabey Ogilvy Renault

Montréal • Ottawa • Québec • Toronto • Vancouver • London (England)

RECEIVED
CENTRAL FAX CENTER

002

NOV 04 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/527,584	
	Filing Date	March 17, 2000	
	First Named Inventor	Peter J. ASHWOOD SMITH	
	Art Unit	2131	
	Examiner Name	Syed Zia	
Total Number of Pages in This Submission	11	Attorney Docket Number	9-13528-94US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	OGILVY RENAULT LLP	
Signature	<i>Matthew M. Roy</i>	
Printed name	Matthew M. Roy	
Date	November 4, 2005	Reg. No. 48,074

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	<i>Matthew M. Roy</i>
Typed or printed name	Matthew M. Roy
Date	November 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

003

NOV 04 2005

File No.: 9-13528-94US

DATE: November 4, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter J. ASHWOOD SMITH
Filed: March 17, 2000
Serial No.: 09/527,584
Title: DYNAMIC ALLOCATION OF SHARED NETWORK
RESOURCES BETWEEN CONNECTION-ORIENTED
AND CONNECTIONLESS TRAFFIC
Examiner: Syed Zia
Group Art Unit: 2131

Mail Stop AF

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

RESPONSE TO NON-COMPLIANT AMENDMENT
UNDER 37 CFR 1.121

Sir:

This is in response to the Notice of Non-Compliant Amendment dated October 6, 2005 and further to the Request for Continued Examination (RCE) and Petition for Extension of Time filed earlier today, November 4, 2005. Please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.